

**Nuclear Decommissioning Citizens Advisory Panel (NDCAP)**  
**Issues Committee Meeting Notes**  
**Wednesday, July 24, 2019 (6 to 8 PM)**  
**Windham Regional Commission (WRC) Conference Room**  
**139 Main Street, Suite 505, Brattleboro, VT**

*Note: These meeting notes were compiled by Tony Leshinskie. They will be reviewed and possibly revised by the Issues Committee Members who attended the July 24 meeting.*

NDCAP Issues Committee Members Present (all committee members present):

- **Chris Campany**, Executive Director of the Windham Regional Commission (WRC), Panel Chair
- **Michael Root**, representing the Town of Vernon, VT
- **Derrik Jordan** (Putney), citizen appointee of House Speaker Mitzi Johnson
- **Corey Daniels**, ISFSI Senior Manager, NorthStar Vermont Yankee (VY)
- **Bob Leach** (Brattleboro), citizen appointee of Governor Phil Scott
- **Lissa Weinmann** (Brattleboro), citizen appointee of Senate President Pro Tempore Tim Ashe, Panel Vice-Chair

The following Vermont State Employee was in attendance:

- Tony Leshinskie, Vermont State Nuclear Engineer (VT Public Service Department)

No members of the public were present for this Issues Committee meeting.

The meeting convened at 6:07 PM.

**Initial Discussion of September 2019 Panel Meeting Agenda Items** *(subsequent meeting discussion identified additional items for the September meeting. Several suggested items were proposed for the expected November 2019 meeting and later dates.):*

Chris Campany provided an initial list of September Agenda items for consideration:

- Election of Officers
- Decommissioning Updates from NorthStar and State Agencies
- NDCAP submittal to NRC summarizing history of the Panel (a response for the 2019 Nuclear Energy Innovation and Modernization Act, aka NEIMA)
- Discussion of potential changes to the Panel composition and Enabling Statute identified by the Issues Committee at this current meeting
- Scheduling the November 2019 NDCAP meeting

1 Chris Campany noted that due to upcoming commitments with the Windham Regional  
2 Commission, he will not seek reelection as NDCAP Chair. Lissa Weinmann also indicated that  
3 she is not interested in becoming NDCAP Chair.

4  
5 It was requested that the State Agency decommissioning update summarize the current state  
6 permitting requirements for decommissioning / demolition activities (e.g. the permits needed  
7 for completing tear-down of the cooling towers, relevant stormwater permits, etc.). The non-  
8 radiological site characterization report that NorthStar delivered (on-time) to Agency of Natural  
9 Resources (ANR) should be discussed. It may be appropriate for the bulk of the State summary  
10 to focus on updates from ANR. It was suggested that ANR provide their summary first, then  
11 have NorthStar's summary. The NorthStar summary should discuss ongoing and completed  
12 dismantlement of onsite structures.

13  
14 In response to a question from Lissa Weinmann, Corey Daniels noted that the completed non-  
15 radiological site characterization revealed no surprises – the contaminants identified onsite  
16 were those expected and were found in anticipated locations.

17  
18 Regarding the Panel history summary in response to NRC's NEIMA obligations, State Nuclear  
19 Engineer Tony Leshinskie reported that he does have a draft available, which he will circulate to  
20 the Panel in the near future.

21  
22 Lissa Weinmann requested that an update from Vermont's Congressional Delegation on  
23 proposed decommissioning-related legislation be added to the September meeting agenda.  
24 Tony Leshinskie agreed to contact Delegation staff to arrange this.

## 25 26 **Discussion of Potential NDCAP Composition and Enabling Statute Changes**

27 The Committee agreed to compile a list of options to bring to the full Panel for consideration.

28  
29 One of the first committee suggestions was that NorthStar's obligation from the VT Public  
30 Utility Commission's (PUC's) order in the NorthStar Vermont Yankee purchase case (PUC Docket  
31 8880) to use NDCAP as a means for public engagement should be discussed by the full Panel.

32  
33 As an initial reminder of the duties and purpose of NDCAP, Corey Daniels read the Purpose  
34 section of the Panel Charter to the rest of the Committee. (The Panel Charter is available online  
35 from the NDCAP website at:

36 [https://publicservice.vermont.gov/sites/dps/files/documents/NDCAP/Amended%20NDCAP%20](https://publicservice.vermont.gov/sites/dps/files/documents/NDCAP/Amended%20NDCAP%20Charter%20%28Adopted%202016.05.26%29.pdf)  
37 [Charter%20%28Adopted%202016.05.26%29.pdf](https://publicservice.vermont.gov/sites/dps/files/documents/NDCAP/Amended%20NDCAP%20Charter%20%28Adopted%202016.05.26%29.pdf))

Chris Campany recommended that the Committee members read through the NDCAP Enabling Legislation. The Committee agreed and then took several minutes to read the legislation text. This legislation is available online at:

<https://legislature.vermont.gov/statutes/chapter/18/034>

Links to the Panel Charter and Enabling Legislature are available the NDCAP website:

<http://publicservice.vermont.gov/electric/ndcap>

An initial suggestion from Lissa Weinmann was that the legislation language no longer use the term “Vermont Yankee Nuclear Power Station” or “VYNPS” since it is no longer an operating nuclear power plant. Corey Daniels noted that Vermont Yankee still has a nuclear power plant operating license from the NRC (and will continue to do so until decommissioning is completed). Bob Leach and Tony Leshinskie suggested that the terms “Vermont Yankee” or “the Vermont Yankee Site” could be used instead of VYNPS.

Chris Campany introduced a list of potential NDCAP Enabling Legislation changes he created after reading through its current language. The Committee agreed to use this list as a starting point for its discussion:

#### Creation; membership; officers, quorum

- Reduce number of representatives of VYNPS to one to be in parity with other representatives
- Is representation by IBEW still necessary? If the point was to have a labor representative, should it instead be a labor representative from NorthStar?
- At this point in the process, what types of representation make the most sense for New Hampshire and Massachusetts and their respective municipalities? We should consult with them to see what they want.
- Agency officials should be Ex Officio. Those who being advised per Section 1701 (part of the Enabling Legislation) should not have the ability to determine on what items they should be advised.
- Should agency support responsibility, as well as interim chair responsibility, fall to the Secretary of Natural Resources or Commissioner of Environmental Conservation at this point rather than Commissioner of Public Service?

#### Duties

- Consider adding the plant (VYNPS) owner to the list of those to be advised.
- Add language in Section 1701 Part (4) that would require NDCAP to receive public reports mandated by the Order of the PUC (in the Docket 8880 - NorthStar Vermont Yankee purchase case).

- Amend language in Section 1701 Part (5) that would enable NDCAP to receive public comment on the aforementioned reports mandated by the PUC, and to empower the Panel to provide comments on those reports. Public reports from state oversight agencies should also be provided to NDCAP. NDCAP should receive public permit notices related to the plant decommissioning and site restoration.

#### Assistance

- Better define “Administrative Support.” Determine if an appropriation is necessary.

Discussion on these ideas ensued.

In response to a question on whether NorthStar would be open to being advised by NDCAP, Corey Daniels indicated (while not speaking for NorthStar senior management) that VT Yankee would adhere to agreements reached with the NRC and the PUC through the Decommissioning Cost Estimate (DCE) and the PUC (Docket 8880) Order / Memorandum of Understanding (MOU). NDCAP recommendations could contradict these agreements. After further discussion, it was agreed that the full Panel should discuss add the VT Yankee owner to the list of NDCAP advisees.

A question was raised whether a better definition for the NDCAP Annual Report was needed. Should it be clarified who is responsible for producing the Annual Report? It was noted that for several years, the NDCAP Chair to primary responsibility for Producing the Annual Report. In 2017, David Andrews (the IBEW Representative on NDCAP) provided the initial draft. In previous years (2015 and 2016), the Panel Chair (Kate O’Connor) generated the report largely on her own, with some feedback from the rest of the Panel. (For completeness, the 2014 Report was initially drafted by a contractor engaged by the Public Service Department. Finalization of the 2014 Report was managed by State Nuclear Engineer Tony Leshinskie.) The 2018 Report was drafted by Tony Leshinskie with feedback from Chris Campany. (Note: All NDCAP Annual Reports are approved by the full Panel before they are filed with the Legislature.) It was agreed that this should be discussed by the full Panel.

Ideas from Chris Campany’s list of suggested changes were then discussed more or less in their order of appearance.

Reducing the number of VYNPS representatives: Chris Campany noted that he included this as a means of reducing the overall number of Panelists. Corey Daniels noted that with the current number of VT Yankee representatives (2) has merit: Corey is able to provide information to the Panel on VY’s operational and decommissioning history; David Pearson is able to provide

perspective on NorthStar's corporate business thinking and operational philosophy. It was also noted that the State has multiple agencies represented on the Panel.

IBEW Representation: Corey Daniels noted that there is virtually no IBEW members in the current VT Yankee workforce. The current workforce is not unionized. IBEW State Leadership has previously indicated that they were okay with no longer having Panel representation. It was agreed that another option for representing the VT Yankee workforce should be considered.

New Hampshire & Massachusetts Representation on the Panel: Tony Leshinskie noted that the NH and MA Governors are responsible for appointing these representatives. For NH, Molly Kelly and later Diane Becker were appointed by Governor Hassan. Bob Gustafson was named as an "interim appointee" by Diane's leadership (NH Emergency Management) after she retired. NH Governor Sununu has not named a replacement. For MA, Paul Mark was appointed by Governor Patrick. Tony has heard indications that Paul Mark may have resigned from NDCAP around the time that Governor Patrick left office. Since this was also the same time that the VT governorship transitioned from the Shumlin Administration to the Scott Administration, it is possible that the resignation notification was lost in one of these transitions. After some discussion, the Committee agreed that the NH and MA representation issue should be passed up to the VT Governor's Office to allow consultation with the NH and MA Governors. It was suggested that the VT Governor's "Board Appointments Administrator" may be the best person to contact to move forward with this. Bob Leach agreed to provide Tony Leshinskie with the name of the Governor's Staff Members who managed his appointment to NDCAP, as these people are the likely contacts for this purpose as well.

Ex-Officio Agency Representatives: In response to Derrik Jordan's request, "ex officio" was defined as a non-voting member of the Panel. Chris noted that his point was that should state entities being advised by NDCAP be permitted to vote on advisory subjects? In discussing Agency Representation, it was also asked whether having Agency of Commerce and Community Development on NDCAP was necessary at this point? The Committee agreed that the Panel should review its State Agency composition.

NDCAP Support Responsibility: With ANR expected to play a bigger role than Public Service Department (PSD) as VT Yankee's Decommissioning progresses, it may make sense for the administrative responsibilities, including budgetary responsibilities, to be moved to within ANR (which includes DEC). It was noted that this could mean moving the State Nuclear Engineer's position from PSD to ANR. In response to questions on this potential transfer, Tony Leshinskie noted that he was aware that the reassignment of this position to ANR has been floated.

1 However, he has no details on any discussion that has taken place between these agencies'  
2 leadership. That may be something that should be considered seriously within the next few  
3 years. Several committee members noted that VT's joining the NRC's Agreement States  
4 Program could impact the State Nuclear Engineer's position. The Committee agreed that the  
5 Panel should consider realignment of its administrative responsibilities.

6  
7 Panel Duties: After much discussion it was recognized that NDCAP's duties, particularly those  
8 described in Section 1701 Parts (4) and (5) require realignment to incorporate reporting  
9 requirements included in the PUC Docket 8880 MOU. (The duties in Section 1701 were  
10 originally written to address VT Yankee's exit from electricity generation and likely assumed  
11 that the plant would be in SAFSTOR for an extended period of time. The duties language needs  
12 to be updated to address VT Yankee's currently active decommissioning status.) NDCAP can  
13 become the conduit for sharing the MOU reporting requirements with the public. It also needs  
14 to continue to be a means for public information from other relevant state agency reports. The  
15 Committee agreed that the purpose of the NorthStar's MOU obligations to engage with NDCAP  
16 need to be understood: are these any different than what NorthStar is doing now with its  
17 NDCAP meeting participation? This may also require revisions to the NDCAP Charter. Corey  
18 Daniels agreed to draft wording to "integrate MOU, Charter and Legislation language" that  
19 reflects the existence of the MOU. The draft changes will be sent to PSD and NorthStar  
20 attorneys for their assessment.

21  
22 Panel Assistance: Should the public know what PSD has spent to support NDCAP? Tony  
23 Leshinskie noted that these had been compiled in August 2018 to help identify cost reductions.  
24 Lissa Weinmann noted that Canadian Panels similar to NDCAP frequently receive funding.  
25 Knowing PSD's expenditures could garner support for an NDCAP funding request to the  
26 Legislature. Corey Daniels noted that after some discussion with PSD (Commissioner Tierney  
27 and Tony Leshinskie) NorthStar has agreed to provide \$750 per calendar quarter to help  
28 alleviate PSD's costs of conducting NDCAP meetings. This value was determined based on the  
29 costs of meeting space rental and BCTV's video recordings.

30  
31 A brief discussion on NDCAP meeting logistics ensued, during which, Derrik Jordan requested  
32 that multiple times for general public comments be included in the meeting agendas. Some  
33 meeting attendees are unable to stay to the end of a 3-hour meeting and would appreciate an  
34 opportunity to speak earlier. Tony Leshinskie suggested that this could be added immediately  
35 before the short meeting break that have become part of typical Panel Meeting Agendas.  
36 Corey Daniels also noted that NorthStar is in the process of hiring a specialist to assist in  
37 community engagement functions.

## **Outline for 2019 NDCAP Annual Report**

Chris Campany suggested that the 2018 Annual Report outline be used for 2019. Tony Leshinskie noted that while this was generally possible, several of the 2018 report sections were essentially “one time” topics (e.g. changes in Protected Area – none this year, Status of VY Sale, NDCAP VY Site Tour, etc.) Tony suggested the following modified outline (which includes some notes on what would be included in individual sections):

- I. Statutory Authority and Duties** (repeats 2017 & 2018 report language)
- II. Charter** (reports no changes)
- III. Meeting Highlights** (brief summary of all full Panel meetings)
- IV. Major Milestones and Activities at the Vermont Yankee Site** (revise for 2019 data; compile from State Nuclear Engineer’s weekly summaries)
- V. Nuclear Decommissioning Trust (NDT) and Site Restoration Trust (SRT) Fund Updates** (cover 10/31/2018 to latest available data date)
- VI. Transfer (or maybe “Status”) of Spent Nuclear Fuel at Vermont Yankee** (report no changes, note that one GTCC waste canister will likely be placed on ISFSI Pad #2 in the future)
- VII. Significant VY Site Changes** (note demolitions and facilities changes during 2019, e.g. RV segmentation activities, turbine dismantling, cooling tower tear down)
- VIII. VY Water Management Program**
- IX. Radwaste Shipment Summary** (methods & approximate numbers)
- X. VT Congressional Delegation** (any reports provided in 2019)
- XI. Issues Committee** (ID membership and purpose)
- XII. Meeting Schedule & Priorities for 2020**
- XIII. Panel Composition Change Recommendations** (if any)

After a brief review of this suggested outline, the Committee agreed that it should be used for the 2019 Annual Report.

## **Scheduling Next Committee Meeting**

Chris Campany noted that the Committee had made significant progress in identifying items to be discussed at the September NDCAP meeting. Accordingly, he saw no need for an additional Committee meeting prior to the September meeting of the full Panel. The Committee members agreed.

The items identified in this meeting will be summarized for the full Panel to review prior to the September meeting. The full Panel will be encouraged to bring additional ideas for Panel changes to the September meeting. It was suggested that a “red line” copy of the current Panel Enabling Statute be developed. This will be considered. It was also suggested to encourage all

1 Panelists to review the Panel Enabling Statute and Panel Charter prior to the September  
2 meeting.

3

4 **Public Comments**

5 None.

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7 **Other Business**

8 None.

9

10 **Adjournment**

11 The meeting adjourned at 8:00 PM.